

SUSMAN GODFREY L.L.P.

The Honorable Edgardo Ramos  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

July 30, 2025

Re: *Bonacasa v. Standard Chartered Bank* (No. 1:22-cv-03320); *Moore v. Standard Chartered Bank* (No. 1:23-cv-02865); *Smedinghoff v. Standard Chartered Bank* (No. 1:23-cv-02865)

Dear Judge Ramos:

Pursuant to Section 3.ii of Your Honor's Individual Practices, Section 6 of the Electronic Case Filing Rules & Instructions, and Section 12 of the Protective Order (*see, e.g., Smedinghoff*, ECF No. 18), Plaintiffs and nonparty Citigroup Global Markets, Inc. ("CGMI") seek approval to (1) redact certain information from Plaintiffs' motion for reconsideration of the Court's July 16, 2025 Opinion & Order, and (2) file Exhibit A under seal.

Plaintiffs' motion references and attaches a declaration that nonparty CGMI has designated as "Confidential" pursuant to the Protective Order. Plaintiffs are contemporaneously filing with this letter: (1) a public version of the motion with the proposed redactions applied and the proposed sealed exhibit slipsheeted, and (2) an under-seal version of the motion with the proposed redactions highlighted and the proposed sealed exhibit included.

**Plaintiffs' Position:** Plaintiffs take no position on the redactions or sealing of exhibits. *See* Protective Order, ¶ 12.1 ("[A] Receiving Party may rely on the Designating Party's designation of any Discovery Material and need not independently verify, or take a position on, such Designating Party's designation.").

Pursuant to Section 7.2(i) of the Protective Order, Plaintiffs request that the Court authorize Plaintiffs to disclose the proposed sealed version of their motion and exhibits on counsel for BofA, Kenneth C. Rudd (krudd@zeklaw.com) and AJ Bosco (ajbosco@zeklaw.com). BofA has not executed Exhibit A to the Protective Order and CGMI has not provided written consent for Plaintiffs to disclose CGMI's "Confidential" material to BofA's counsel pursuant to Section 7.2(i) of the Protective Order. Accordingly, Plaintiffs request the Court's authorization to share the unredacted version of their motion and the proposed sealed exhibit with BofA's counsel.

**CGMI's Position:** Non-party CGMI has designated the declaration at issue (the "Declaration") as confidential under the Protective Order entered in this case. Prevailing Second Circuit law—including *Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132 (2d Cir. 2016) and *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006)—supports the filing of this material under seal because it was properly designated confidential under the Protective Order and because documents produced in discovery "often play 'no role in the performance of Article III functions' and so the presumption of access to these records is low." *Bernstein*, 814 F.3d at 142 (quoting *United States v. Amodio*, 71 F.3d 1044, 1050 (2d Cir. 1995)); *see also Strauss v. Credit Lyonnais, S.A.*, Nos. 06-cv-702, 07-cv-6172011 (DLI/MCG), WL 4736359, at \*3 (E.D.N.Y. Oct. 6, 2011) ("materials obtained in discovery 'are not public components of a civil trial [and] were not open to the public at common law'") (quoting *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33

(1984)). Furthermore, “[c]ourts in this District routinely permit parties to seal or redact commercially sensitive information to protect confidential business interests ...” *IBM Corp. v. Micro Focus United States, Inc.*, No. 22-cv-9910 (VB)(VR), 2023 WL 8650839, \*1 (S.D.N.Y. Dec. 14, 2023); *see also Nielson Consumer LLC v. Circana Grp., L.P.*, No. 22-CV-3235 (JPO)(KHP), 2024 WL 990073, \*2 (S.D.N.Y. Mar. 6, 2024) (sealing is appropriate to protect “sensitive business information”); *Louis Vuitton Malletier S.A. v. Sunny Merch. Corp.*, 97 F. Supp. 3d 485, 511 (S.D.N.Y. 2015) (permitting redactions of confidential business information of a privately held business, which “implicates legitimate privacy interests”).

This is especially true with respect to the documents of non-parties. *See, e.g., Chigirinskiy v. Panchenkova*, 319 F. Supp. 3d 718, 740 (S.D.N.Y. 2018) (“the privacy interests of innocent third parties ... should weigh heavily in a court’s balancing equation in determining what portions of motion papers ... should remain sealed or should be redacted.”) (quoting *Matter of N.Y. Times Co.*, 828 F.2d 110, 116 (2d Cir. 1987)). Here, the Declaration contains non-party CGMI’s confidential business information, including CGMI’s customer relationships, confidential business analysis, and decision-making process regarding a potential project. Similar types of information, including information of non-party banks, have been sealed in this case, Dkts. 78, 106, 144, 153, and the same relief should be granted here.

\*\*

For these reasons, Plaintiffs and CGMI respectfully request that the Court grant the request to redact the referenced information contained in Plaintiffs’ motion and to file Exhibit A under seal. Plaintiffs also respectfully request that the Court authorize Plaintiffs to disclose the proposed sealed version of their motion and the proposed sealed exhibit on BofA’s counsel pursuant to Section 7.2(i) of the Protective Order.

Respectfully submitted,

/s/ Daniel D. Duhaime

Ian M. Gore  
SUSMAN GODFREY LLP  
401 Union Street, Suite 3000  
Seattle, WA 98101  
Tel: (206) 516-3880  
igore@susmangodfrey.com

Steven G. Sklaver  
SUSMAN GODFREY LLP  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067  
Tel: (310) 789-3100  
ssklaver@susmangodfrey.com

Seth D. Ard  
Daniel D. Duhaime  
SUSMAN GODFREY LLP  
One Manhattan West, 50th Floor

Lee Wolosky  
Andrew J. Lichtman  
Kathryn E. Bolas  
WILLKIE FARR & GALLAGHER LLP  
787 Seventh Avenue  
New York, NY 10019  
Tel: (212) 728-8000  
lwolosky@willkie.com  
alichtman@willkie.com  
kbolas@willkie.com

Andrianna Kastanek  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654  
Tel: (312) 222-9350  
akastanek@jenner.com

New York, NY 10001  
Tel: (212) 336-8330  
sard@susmangodfrey.com  
dduhaime@susmangodfrey.com

Eli J. Kay-Oliphant  
Adam J. Goldstein  
Tejinder Singh  
Ryan R. Sparacino  
SPARACINO PLLC  
1920 L Street, Northwest, Suite 835  
Washington, DC 20036  
eli.kay-oliphant@sparacinopllc.com  
adam.goldstein@sparacinopllc.com  
tejinder.singh@sparacinopllc.com  
ryan.sparacino@sparacinopllc.com

*Counsel for Smedinghoff Plaintiffs*

Susanna D. Evarts  
Rupali Srivasata  
JENNER & BLOCK LLP  
1155 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 891-1628  
sevarts@jenner.com  
rsrivasata@jenner.com

Gary M. Osen  
Ari Ungar  
Michael J. Radine  
OSEN LLC  
190 Moore Street, Suite 272  
Hackensack, NJ 07601  
Tel: (201) 265-6400  
gosen@osenlaw.com  
aungar@osenlaw.com  
mradine@osenlaw.com

*Counsel for Bonacasa and Moore  
Plaintiffs*

/s/ Maryia Jones  
Maryia Jones  
BAUGHMAN KROUP BOSSE PLLC  
500 East Main Street, Suite 1400  
Norfolk, VA  
Tel: (757) 904-5373  
mjones@bkbfirm.com

*Counsel for Nonparty Citigroup Global  
Markets, Inc.*

The motion to redact the referenced information  
contained in Plaintiffs' motion and to file  
Exhibit A under seal is granted.



Edgardo Ramos, U.S.D.J.

Dated: August 1, 2025

New York, New York